

DAILY EVENING EDITION
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East Oregonian

DAILY EVENING EDITION
WEATHER FORECAST.
Tonight and Thursday cloudy and threatening with occasional light rain or snow; cooler tonight.

PENDLETON, OREGON, THURSDAY, NOVEMBER 24, 1904

NO. 5213.

CHAMBERLAIN'S POLICY UPHELD

Commissioner of the General Land Office Supports Oregon's Governor.

REVERSES FOR- MER LAND DECISION.

Owners of Indemnity School Lands No Rights by Purchasing Re- surrections From the State— Where 'All Applications for In- demnity Lands Must Be Forward- ed to the General Land Office and Selection Cancelled on the Rec- ord of the General Office Before Can Be Made to Purchase.

Nov. 24.—Governor Cham- berlain was exceedingly gratified yesterday when receipt of a letter from the Hon. J. H. Williams, commissioner of the general land office, acknowledging the recent accusation that the governor was prompted by a desire to "make political capital" by giving correspondence to the press, relating to Oregon land matters, was received. He acknowledges that the letter was given to the Oregonian from the Washington office and not by the governor.

Commissioner Richards also trans- mitted a decision which will be far- reaching in its effect on Oregon land matters. Under date of October 13, 1903, he transmitted this request to the department of the interior, and it was then that it would be permissible to admit a rule, but that "under existing conditions the state has it within its power to protect itself of its grantees as it deems fit to protect, against the emul- sion of corporations and other prop- erty and speculators, viz: It is within the 60 days allowed for appeal amend its selection by the sub- mission of a valid base, or if unable to furnish such base, may upon re- ceipt of notice that the selection is void for cancellation make a formal relinquishment of the selection and return to the state to place his claim of right.

While the selection is of record and uncancelled the land is segregated, and the purchaser holding the same relinquishment may present it with his application and thereby secure the right of entry. Of course, if the state's grantee is a qualified owner on the land he is protected by the selection, this right would im- mediately attach upon the cancella- tion of the selection and he would have 60 days to place his claim of right.

This letter was transmitted by Sec- retary Hitchcock to Governor Cham- berlain, and the state land board, viewing it as a rule, printed blank forms and notified every purchaser of indemnity land whose titles had been of this right. He was then re- ceived the money paid the state and returned with the state's relinquishment to his local land office and filed the land with scrip, or under the federal laws. This would the return of innocent purchasers have been prosecuted if he had adhered to this rule.

Richards Reverses Decision.
Yesterday Governor Chamberlain received a letter of instruction in re- sponse to a second query, dated Novem- ber 11, 1904, in which Commissioner Richards retracts all his former state- ments, giving as an excuse that the letter of October 13, 1903, was not a decision, but simply a report to the secretary of the interior relative to the general subject of indemnity school selections made upon alleged general bases.

He now lays down the rule and has instructed the officials of the land office at Oregon City, Roseburg and The Dalles, that purchasers of state indemnity lands have no rights on ac- count of possessing relinquishments and that the registers of the land offices are to forward the indemnity selections to the general land office for considera- tion, and not to receive any applica- tions for the lands until the selections are made.

Valentine Arrested.
Cleveland, Nov. 24.—Pres- ident Valentine, of the National Laundry Workers' Union, was taken this morning taken into custody by a detective from Cincin- nati, where he will be taken to answer charges in connection with assaults upon non-union members. Valentine claims that the guilty men have all been released and that the Em- ployers' Association.

had been canceled by that office and the cancellation noted on the records of the local offices.
In other words, until the land had reverted to the government and been again thrown open for settlement, giving the original purchaser from the state no opportunity of securing the land from the government other than is accorded to any individual or corporation possessing scrip.

Effect of Decision.
This decision from Land Commis- sioner Richards will have the effect of depriving a large number of set- tlers and other investors who have innocently purchased land from the state, believing it to be a legitimate purchase, and that the state had the power to give valid title as soon as the payments were made.

Governor Chamberlain has made a hard fight to protect the interests of these innocent purchasers, and the fact that he has failed, can in no wise be laid at his door. In reversing his decision, Mr. Richards has endeavored to prove that the governor was at fault, and to give false impres- sion, has given private correspondence with Governor Chamberlain to the public press, afterward charging the governor with breaking faith for political gain. However, he has now ac- knowledged his error, and endeavors at great length, to make excuses as to why the mistake should have been made.

Will Benefit Corporations.
Governor Chamberlain stated last night that the board, since he had been in office, refunded upwards of \$80,000 to people who had purchased indemnity lands from the state before the title of the state had been cleared, and wherein the applications had finally been rejected. Acting under the advice of Commissioner Richards, many of these people have since taken relinquishment from the state and filed on the lands under the federal law. However, this decision makes every one of these filings invalid, unless by special dispensation the land department passes favorably upon those applications which have already been accepted by the local land office, the purchasers will receive their money back from the state, but will not have the opportunity of securing the lands from the government as corporations possessing scrip are eagerly on the lookout to file on all lands reverting to the government.

Rioting in Chicago.
Chicago, Nov. 24.—One woman and seven men were arrested for participation in a riot during which a tailor shop on Winchester avenue was wrecked. The riot grew out of the tailors' strike. A crowd of strikers rushed the police and broke into the shop.

WEBER WAS HELD WITHOUT BONDS

WILL BE TRIED ON THE CHARGE OF MATRICIDE.

Defense Will Try to Secure His Re- lease on a Writ of Habeas Cor- pus—Sheriff is Trying to Ascertain Where the Pistol Came From Which Was Found in the Weber Barn—Adolph Professes Calmness, But He Looks Beggared the Great Strain Under Which He Exists.

Auburn, Cal., Nov. 24.—Justice Smith has held Adolph Weber to answer without bonds for the murder of his mother, Mary Weber, on Novem- ber 16. The defendant's attorneys gave notice that they would sue out a writ of habeas corpus.

Sheriff Keenan went to Sacramen- to today on a hunt for the party who sold the pistol found in the Weber barn.

When seen this morning in jail young Weber said he had spent a good night, but his looks belied him. The strain is telling on him.

CONFISCATED A BIBLE.

Unutterable Bigotry of Russia Brought to Light.

New York, Nov. 24.—The methods of the Russian government have been brought home to a New York woman in a curious manner. Last August she sent a Bible to friends in Warsaw through a firm of local bankers.

Nothing was heard of the Bible until this week, when the firm received a letter from their Bremen forward- ing agents, in which it was stated that the Bible had been confiscated by the Russian government.

About the most curious part of the whole business is the fact that the Russian censor charged a fee of 91 cents for confiscating the book. This fee includes both duty and censor fees. The bankers believe that the seizure was due to the fact that the Bible was not the authorized Bible of the Greek church, which is the Russian national religion.

Arbitration Treaty Signed.
Washington, Nov. 24.—Secretary Hay and Viscount De Albe today signed the arbitration treaty between the United States and Portugal.

CHINA RAISING MEANS FOR WAR

The Fact is Supposed to Mean More Complications for Russia.

JAPANESE ENLISTING MANY CHINESE MILITIA.

Russian Spies in Chinese Garb Make Much Trouble for the Japanese Authorities—Another Russian War- ship Has Been Sidelined in the Baltic—Recently Established Rus- sian Newspaper Has Been Suppressed—Constant Necessity Exists in Western Russia for Repression and Drastic Militarism to Sustain the Present Government.

Rome, Nov. 24.—A dispatch to the Italian Military from Peking, says subscription lists are being opened throughout China for war funds. It is feared that if peace is not concluded in the Far East speedily China will be forced into the conflict.

Battleship Grounded.
Paris, Nov. 24.—A dispatch received this morning states that the Rus- sian battleship Slava has arrived at Kronstadt after grounding on a sand- bank. The vessel will remain at Kronstadt until spring.

Newspaper Suppressed.
St. Petersburg, Nov. 24.—The publi- cation of the new newspaper, Naska Gimin has been prohibited by the minister of the interior, Prince Mi- tasky.

Events in Western Russia.
Berlin, Nov. 24.—The names of some of the prominent victims of the recent riots at Warsaw have just been made known.

Dr. Frankenstein, an aged physi- cian, was struck by a bullet as he en- tered his house. Dr. Frankenstein, a surgeon, was killed and Baroness Hirsch shot while driving by in car- riages.

More rioting is expected Sunday. Workmen are said to have 6000 re- volvers. The police are continually making arrests, the prisons are filled and cannot accommodate all arrested.

Reward for Chinese Spies.

Hankow, Nov. 24.—Orders have been given to the Japanese troops to shoot any one in Chinese garb ob- served approaching the line for fear they may be Russians in disguise. No- tices have been posted offering a re- ward of \$25 for every Chinese spy captured.

The Chinese bandits are very active. The Japanese are enlisting Chinese militia in the village of Syobay- iki at 30 cents a day.

There have been numerous skir- mishes in which a number of Chinese bandits have been killed or captured by Russians.

ATTEMPT TO WRECK.

Tramps Caught in the Act Near Santa Barbara.

San Francisco, Nov. 24.—Another attempt was made to wreck the South- ern Pacific train last night, this time at Calipatan, near Santa Barbara. Two tramps were caught in the act of heaving rocks on the tracks and were arrested. It is believed their ob- ject was revenge.

Lake Naval Training Station.

Washington, Nov. 24.—Lake Bluff, 38 miles from Chicago, will secure a naval training station. The president today returned a report of the com- mission which selected the site, with his approval.

PENDLETON SCHOOLS DONATE TO NEEDY

The Thanksgiving donations to the Boys' and Girls' Aid Society, was swelled to the extent of \$216.53 by the Pendleton public schools.

This amount of clothing, foods and cash has been collected and will be sent to Portland tomorrow. The shipment was not made today because of it being a holiday.

The donations of the public schools comprise almost every kind of vege- tables, including potatoes, cabbage, onions, squashes and canned vegeta- bles. One hundred cases of fruit have been packed, quantities of coffee, tea, rice and breakfast foods, mush, meals and other imperishable foods. The clothing included children's coats, dresses, shoes, caps, night gowns, a large amount of new outing flannel, and dress goods for small children, and over 100 pairs of children's stock- ings.

Excellent judgment has been exer- cised in selecting the donations and

RETURNED FROM THE CONVENTION

Judge Lowell Pleased With the Proceedings and Confi- dent of the Results.

INCREASING INTEREST BY THE EASTERN STATES.

The Maxwell Act is destined to be an Epoch-Maker, Paralleling the Homestead Law as Such—Wide- spread Eastern Interest in the Lewis and Clark Exposition—There Were Fourteen Delegates at El Paso From Oregon—Assurances That the Umatilla Project Has Not Been Abandoned—Believes That Oregon May Be Profited by Experimental Horticulture.

Judge Stephen A. Lowell, Pendleton delegate to the National Irrigation Congress, just closed at El Paso, Texas, arrived home this morning. He expressed himself as highly pleased with the work accomplished by the Oregon delegation. "The securing of the next convention for Portland," said he, "means a great deal to the Pacific Northwest. It is an education- al force that is far-reaching in its effect. The east has begun to appre- ciate the value of irrigation in the semi-arid regions of the west, and there is liable to be a very large dele- gation next year from the states be- yond the Mississippi."

Judge Lowell says that the words of Booth-Tucker, uttered a year ago at the Oregon convention, when he spoke of "the landless man to the manless land," are beginning to sink into the minds of the easterners. "The con- ditions existing in the centers of popu- lation," he continued, "brings out the need of more homes."

Value of Maxwell Law.

"The Maxwell act seems destined to accomplish even more than the homestead law. The former has its mission to accomplish, and the latter has almost finished its work. The easterner knows what the homestead law has done, but he must look to the west now for his new home, and the subject of the reclamation of the semi-arid regions is of as much im- portance to him as to us."

The sentiment in favor of the Lewis and Clark fair, Mr. Lowell de- clares, is widespread and all the states are expected to be well repre- sented at the congress when it con- vvenes in Portland. "At this time," he remarked, "the eyes of the nation are upon the Pacific northwest."

The feeling prevalent that the Lewis and Clark fair has not been well advertised and is substantially unknown, is incorrect. We met peo- ple in the congress from half the states of the Union who were well in- formed regarding the work of Lewis and Clark and the coming fair."

Fourteen From Oregon.

There were 14 delegates represent- ing Oregon at the El Paso congress. The party arrived in the Texas city on the Sunday evening preceding the opening of the convention and estab- lished headquarters at the Sheldon Hotel. Referring to the movements of the Oregon delegates, Judge Low- ell said:

"Through the foresight of the Port- land people we were provided with 10 royal Chinook salmon, one of which was kept on ice in our headquarters during the convention, and the other nine were distributed among the sev- eral hotels of El Paso. These huge Columbia river fish were the source of universal interest. We had also a large supply of choice Hood River apples. Texas is not an apple state,

and the Hood River fruit was highly appreciated.

"During the entire week our head- quarters were thronged with visitors and all the delegates were thoroughly in sympathy with Oregon and her coming fair. Boise made a strong fight to secure the 1905 convention. We made no fight against the Idaho town, but looked out for our own in- terests. Boise felt as if she were en- titled to the convention from the fact that she endeavored to secure it the year before. Next year Boise, Los Angeles and San Antonio will be can- didates for the honor.

"We were royally entertained by the Texans, whose hospitality is as broad as their imperial state. El Paso has a population of 35,000 per- sons and has rightfully been called the gateway to Old Mexico. Aside from the large number of delegates present from the states of the Union, there was a delegation of engineers from the states of Mexico, sent by Presi- dent Diaz. The head of the Republic of Mexico is greatly interested in the subject of irrigation, and great har- mony exists between the engineers of the two nations.

Umatilla Not Abandoned.

"We held two conferences with the engineers in charge of the work in Oregon. One was a joint meeting with the California engineers, relative to the Klamath lake project. We were given assurances that the gov- ernment had not abandoned the Umatilla project, and neither had it given up the Harney reclamation work. It is but a question of time until those two projects, that mean so much to the people of Oregon, are worked out. Reservoir sites, we have been assured, have been found in the re- gion of the Umatilla district, superior to any yet outlined.

"The great project of the Pacific Coast, however, is that of the Klamath region, which is destined to irri- gate land in both the states of Ore- gon and California."

On his way home Judge Lowell re- mained a day in Los Angeles and a day at Fresno.

"We should experiment with new cereals and fruits," he said, "I be- lieve that portions of Eastern Oregon where frosts are light, may be able to raise the Smyrna fig—the common fig of commerce—at a profit. There is a possibility, too, that the olive may be cultivated to advantage. The Muscat and other celebrated grapes that flourish so abundantly in Califor- nia, I see no reason why we should not be able to cultivate in this state.

"Of course all of these remarks of mine are merely suggestions; but I believe they would be worth while to him who would experiment. There are some of the harder palms and semi-tropical trees raised in Califor-

(Continued on page 8.)

REWARDED MAN WHO SAVED HIM

"DIAMONDFIELD" JACK DA- VIS REMEMBERS THE JUDGE

Once Condemned to Death the Noted Adventurer Was Rescued by Judge Powers, Who Became Convinced of Davis' Innocence—After Making a Stake in Tonopah He Rewards His Benefactor by a Gift of \$10,000 in Mining Stocks.

Salt Lake, Nov. 24.—"Diamondfield Jack" Davis, the central figure in one of the most remarkable criminal cases on record, has given the man who drew his death warrant at Albion, Idaho, six years ago, mining stocks valued at \$10,000.

Judge O. W. Powers of Salt Lake, is the recipient of the gift. In 1898 Judge Powers, with W. E. Borah of Idaho, assisted the state in prosecut- ing "Diamondfield Jack" for murder, secured a conviction and by order of Judge Stockslager, drew Davis' death warrant.

Afterward, having become convin- ced of Davis' innocence, Judge Powers appeared before the Idaho board of pardons to urge that Davis be re- leased. This was done, and about two years ago Davis came to Salt Lake penniless. Judge Powers loaned him money enough to get to Tonopah, Nev., and Davis departed with the promise that he would repay the money.

Since then Davis has prospered. As one of the original locators of the famous claims at Goldfield and Dia- mondfield, he secured large holdings in the camps, changed his ways of living and is said to be a leader of the law and order element in the min- ing section where he resides.

Recently Judge Powers received a letter from the secretary of the Dia- mondfield Gold Mining Company in- closing 5500 shares of stock, with the statement that it was the personal gift of Davis.

The shooting for which Davis was twice sentenced to death was a double killing committed in Cassia county, Idaho, in 1896. The legal pro- ceedings ran through six years. The case at one time reached the supreme court of the United States and almost attained the proportions of a political issue in Idaho.

CONSPIRATORS ARE ON TRIAL

Marie Ware and Horace Mc- Kinley Must Answer for Fraud

SHARP LEGAL CONTESTS IN THE FEDERAL COURT.

Defendant's Counsel Attempts to Se- cure Their Release Because Names Signed to Alleged Fraudulent Land Entries Are Fictitious—Bonny- air of the Conspirators Has Disap- peared—Case Has Tightened About Them and the Government Is Vigorously Prosecuting—Filing Papers Admitted in Evidence.

Portland, Nov. 24.—That it is no playful matter to monkey with the United States government, is now fully realized by Horace G. McKinley and Marie Ware, now on trial for de- frauding the government by "dummy" land entries in the Roseburg land dis- trict.

At the close of the trial yesterday, little had been accomplished except to identify the signatures of the reg- ister and receiver of the Roseburg land office, appearing on the fraudu- lent entries on which the defendants are being tried.

A bitter fight has been put up by Judge O'Day for the conspirators, but so far, the case of the government is plainly and clearly drawn, and the buoyant air of the defendants, seen at the first day of the trial, has disap- peared.

Judge O'Day made an attempt to have the defendants released last eve- ning, on the ground that the names signed to the alleged fraudulent en- tries are not the names of his clients, and that therefore there was nothing on which to hold McKinley and Miss Ware.

This was denied, and the case against them tightened as District At- torney John H. Hall vigorously opened the trial.

A sharp struggle ensued over the admission of 14 land entry papers from the Oregon City land office, as evidence against the defendants, but the papers were admitted in evidence, as upon the filing of these documents hinges the guilt of the accused.

PRUNES TO EUROPE.

Over 4,000,000 Pounds in Three Ship- ments From Frisco.

San Francisco, Nov. 24.—The prune shipments by sea direct to Europe from San Francisco have been con- siderable during the last few weeks. The climax was capped the other day by the consignment via the steamer Annon.

This vessel cleared on November 13 for Hamburg, having for that port 2,196,415 pounds of prunes, an ex- ceedingly large shipment. The ship left on November 4 took 743,325 pounds of prunes to London by sea, direct from San Francisco, and on October 20 the steamer Nicaria had on her manifest 343,858 pounds for Hamburg.

These three shipments alone ag- gregate nearly 4,000,000 pounds of prunes. From July 3 to November 12 the shipments of prunes by sea from the port of San Francisco have been as follows:

To British Columbia, 333,619 pounds; Australia, 278,175 pounds; Hawaii, 16,863 pounds; Mexico, Central and South America, 21,983 pounds; Manitoba, 149,100 pounds; the Orient, 20,109 pounds; England, 883,669 pounds; continental Europe, 4,182,630 pounds; Dawson, 5999 pounds; Tahiti, 839 pounds; North- west Territory, 78,775 pounds; Suva, 75 pounds; Clipperton Island, 39 pounds.

OPEN JANUARY 1.

Southern Pacific Railway Company Lands in Oregon.

Portland, Nov. 24.—The Southern Pacific will throw open about Janu- ary 1, for sale and settlement, 2,000-000 acres of subside lands in Oregon. Harriman two years ago stopped the sales, but through his instructions, notice was today given that the en- tire lot be thrown open. Preparations will be commenced at once by a big clerical force.

Four Men Drowned.

Port Huron, Mich., Nov. 24.—Four men were drowned by the capsizing of a small ferry- boat a few feet from the Sar- nia, Ontario, dock at 4 this morning, and two were saved. The names of the victims were not learned. The current is running strong and the men had been warned.